

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

THOMAS E. HART,)
AIS # 00210800,)
Petitioner,)
v.) CIVIL ACTION NO. 1:22-00209-JB-N
JOSEPH HEADLEY, *et al.*,)
Respondents.)

ORDER

After due and proper consideration of the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge (Doc. 18) made under 28 U.S.C. § 636(b)(1)(B)–(C), Federal Rule of Civil Procedure 72(b), and S.D. Ala. GenLR 72(a)(2)(S), and dated May 31, 2023, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Petitioner Thomas Hart’s amended Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 (Doc. 6) dated July 19, 2022 be **DISMISSED with prejudice** as time barred from consideration under the Anti-Terrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1214 (“AEDPA”) and 28 U.S.C. § 2244(d).

Additionally, Hart is not entitled to a Certificate of Appealability in relation to this final adverse order, and the Court **CERTIFIES** any appeal of this order and accompanying judgment would be without merit and therefore not taken in good faith. Thus, Hart is not entitled proceed *in forma pauperis* on appeal.

Final judgment shall issue separately in accordance with this order and Fed.

R. Civ. P. 58.

DONE and ORDERED this 21st day of June, 2023.

/s/ JEFFREY U. BEAVERSTOCK
CHIEF UNITED STATES DISTRICT JUDGE